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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,052	06/19/2001	Jurgen Wienboker	12758-028001	5039
7590 11/12/2004			EXAMINER	
Fish & Richardson 225 Franklin Street Boston, MA 02100-2804			JONES, PRENELL P	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/806,052

**Applicant(s)**

WIENBOKER ET AL.

**Examiner**

Prenell P Jones

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on March 26 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/16/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The disclosure is objected to because of the following informalities: Throughout the Specification, Applicant has repeatedly referenced or referred back to the claims, such as, on page 4, in line 20 "claim 1", and on page 5, in lines 6, 10, 17 & 30, "claim 2", "claim", "claim 3" and "claim 4," and so on, which may require amendment of the specification in the event that claims are amended and/or canceled during prosecution of application.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1 recites the limitation "the protocol (AAL)" in line 5, and claim 8 recites the limitation "the additional protocol (PROT3)" in line 2-3. There is insufficient antecedent basis for these limitations in the claims. Claims 2-10 depend on claim 1, therefore claims 2-10 are rejected as well.

**A Reminder to Applicant**

3. Any limitation in parenthesis as associated with the claims will not be considered as a positive limitation with respect to the scope of the claimed invention.

Applicant is referred to the MPEP section 608.01 (m) for clarification.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Huscroft et al.

Regarding claims 1-3 and 5-8, Huscroft discloses (Figures 3 and 4, col. 2, line 39-55, Figures 5, 6 and 7, col. 8, line 46-67) interfacing between SONET fiber optic transmission and ATM in a multimedia environment wherein the payload multiplexing technique segments payload into bit cells which are allocated to user channels, cells are transmitted in streams and stream of frames of data, cells in the streams are mapped sequentially and contiguously onto payload portions of frames, processing cells byte by byte, two defined data structures (two bit groups), second data structure (bit group) is the combined bits of the first data structure (bit group), and data structures go from one transmission mode to another transmission mode as associated with ATM/AAL and SONET/SDH.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 4, 9 and 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huscroft et al in view of Duree et al.

Regarding claim 4, as indicated above, Huscroft discloses (Figures 3 and 4, col. 2, line 39-55, Figures 5, 6 and 7, col. 8, line 46-67) interfacing between SONET fiber optic transmission and ATM in a integrated user network/multimedia environment wherein the payload multiplexing technique segments payload into bit cells which are allocated to user channels, cells are transmitted in streams and stream of frames of data, cells in the streams are mapped sequentially and contiguously onto payload portions of frames, processing cells byte by byte, two defined data structures (two bit groups), second data structure (bit group) is the combined bits of the first data structure (bit group), and data structures go from one transmission mode to another transmission mode as associated with ATM/AAL and SONET/SDH. Huscroft is silent on transmitting bit groups with the aid of IP. In analogous art, Duree (Abstract, Figs. 3, 5, 9, 10, col. 6, line 12-67, col. 7, line 9-49) discloses a telecommunication system that accommodates multimedia traffic, processing data information and data encryption, wherein voice is transported in association with an ATM network wherein the users communicate multimedia information, ATM associated with SONET framework, customers communicating via voice, and (col. 8, line 35-51) links used as a transmission media such as signaling, IP is a suggested link for transmitting data information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement transmitting a bit group/data structure via IP as taught by Duree with the

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teachings of Huscroft for the purpose of deriving performance correlation between protocol layers in a multimedia transmission environment.

Regarding claim 9, as indicated above, Duree (Abstract, Figs. 3, 5, 9, 10, col. 6, line 12-67, col. 7, line 9-49) discloses a telecommunication system that accommodates multimedia traffic, processing data information and data encryption, wherein voice is transported in association with an ATM network wherein the users communicate multimedia information, ATM associated with SONET framework, customers communicating via voice, and (col. 8, line 35-51) links used as a transmission media such as signaling, IP is a suggested link for transmitting data information. Duree further discloses (col. 6, line 18-67) user information contain callers information, such as voice communication.

Regarding claim 10, as indicated above, Duree (Abstract, Figs. 3, 5, 9, 10, col. 6, line 12-67, col. 7, line 9-49) discloses a telecommunication system that accommodates multimedia traffic, processing data information and data encryption, wherein voice is transported in association with an ATM network wherein the users communicate multimedia information, ATM associated with SONET framework, customers communicating via voice, and (col. 8, line 35-51) links used as a transmission media such as signaling, IP is a suggested link for transmitting data information. Duree further discloses (Figs. 1, 2, 4, col. 9, line 6 thru col. 10, line 57, col. 18, line 51-58) decryption-encryption is associated with placing user in communication format such as PCM format

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and adaptive differential PCM (ADPCM) which are methods of digitizing signals for transporting calls, implementation of byte packing scheme for ADPCM, and (col. 14, line 59-67, col.17, line 5-21, col. 18, line 51-58) user communication (data structure/bit group) is compressed and four bits per byte are extracted and in association with compression method, four bits are packed in a byte.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones



November 8, 2004